

ORIGINAL

PRESIDING OFFICER'S
RULING NO. R97-1/93

FEB 4 10 56 AM '98

UNITED STATES OF AMERICA
POSTAL RATE COMMISSION
WASHINGTON, D.C. 20268

POSTAL RATE COMMISSION
OFFICE OF THE SECRETARY

Postal Rate and Fee Changes

Docket No. R97-1

PRESIDING OFFICER'S RULING
MODIFYING PRESIDING OFFICER'S RULING R97-1/62

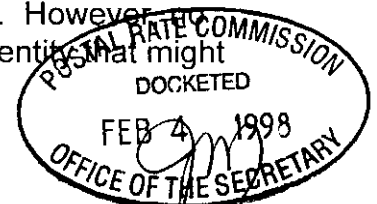
(February 4, 1998)

An Uncontested Motion of United Parcel Service for Clarification or, in the Alternative, Modification of Protective Conditions Adopted in Presiding Officer's Ruling No. R97-1/62 (Motion) was filed February 2, 1998. The Motion suggests language to allow lead counsel for UPS to review protected material notwithstanding his other responsibilities. United Parcel Service has ascertained that neither the Postal Service, nor Emery Worldwide Airlines, Inc., the entity that initially provided the information subject to these protective conditions, opposes this modification. Under these circumstances, I shall grant the motion.

RULING

Presiding Officer's Ruling R97-1/62 is modified by substituting the following as paragraph 1(b) of Attachment A:

- (b) a participant in Postal Rate Commission Docket No. R97-1; or a person employed by such a participant, or acting as agent, consultant, contractor, affiliated person, or other representative of such participant for purposes related to the litigation of Docket No. R97-1; shall be granted access to materials provided in response to P.O. Ruling R97-1/62. However, no person involved in competitive decision-making for any entity that might



gain competitive advantage from use of this information shall be granted access to this material. "Involved in competitive decision-making" includes consulting on marketing or advertising strategies, pricing, product research and development, product design or the competitive structuring and composition of bids, offers or proposals, provided that counsel for a party with access to materials provided in response to this ruling may continue to give legal advice concerning the lawfulness of proposed prices under the double postage rule, so long as counsel does not participate in designing or determining the prices actually proposed. Counsel may not reveal or in any way use information derived from protected material under this ruling in any client matters or counseling.

A handwritten signature in black ink, appearing to read "Edward J. Gleiman". The signature is fluid and cursive, with a long horizontal stroke at the end.

Edward J. Gleiman
Presiding Officer